

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA

Plaintiff

v.

EIMAD ASMAR

Defendant

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CRIMINAL NUMBER 98-97 (JAF)

**SURETY'S MOTION REQUESTING ORDER RELEASING
PROPERTY AS BAIL**

TO THE HONORABLE JUDGE JOSE A. FUSTE:

COMES NOW, MR. AZIZ EL-ASMAR, one of defendant Eimad Asmar's sureties, by and through the undersigned counsel and very respectfully **REQUESTS** as follows:

1. That on February 10, 2000 this Honorable conducted an Evidentiary Hearing to determine whether the forfeiture of the sureties obligations placed as bond in this case should be set aside.

2. That after listening to the parties, the Court found that since the defendant was dead, there was no evidence that the sureties participated in assisting defendant in fleeing, and allowing for forfeiture under these circumstances would be an extremely harsh punishment. Further, the Court stated that this was not a crime of violence and ordered the

setting aside of the sureties obligations to make this bond whole. (See Docket #126). On October 25, 2000, this Honorable Court issued an Order as to the defendant Eimad Asmar granting a motion to Vacate Order of Forfeiture as to the defendant, on the basis that the defendant had died.

3. That it has been extremely difficult for Mr. Aziz El-Asmar, one of the sureties in this case, to obtain the release his property located at 112 67 St., West New York, New Jersey 07093 given as collateral for bail. It appears that despite this order, the United States Internal Revenue Service still has within its possession certain property which it seized during the course of its investigation of the defendant.

4. Mr. Aziz El-Asmar has been trying to sell his property but it has been extremely difficult given the impediment mentioned above.

5. Hence, it is very respectfully requested from this Court to issue an Order to the Clerk's Office and/or to the Internal Revenue Service or any other agency involved in the seizure of this property to return and/or cancel the liens placed on the property belonging to Mr. Aziz El-Asmar.

WHEREFORE, it is respectfully requested that this Motion **BE NOTED** and an Order be issued directing the release of the property pertaining to Mr. Aziz El-Asmar in this case as collateral for Eimad Asmar's bond.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, today November 3, 2005.

I HEREBY CERTIFY: That I on this same date electronically filed the foregoing document with the Clerk of Court for the District of Puerto Rico, through the CM/ECF electronic filing system, which will provide notification of this filing to the United States Attorneys Office for the District of Puerto Rico and the United States Probation Office.

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